

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:16-cv-00966-RBJ

KENNYBERG ARAUJO, and  
FRANCIS GONZALES,

Plaintiffs,

v.

THE CITY OF FORT COLLINS, Colorado, a home rule municipality;  
DONALD VAGGE, former Deputy Chief of Police, in his individual and official capacities, and  
GARY SHAKLEE, Police Sergeant, in his individual and official capacities;

Defendants.

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**STIPULATED MOTION FOR DISMISSAL OF DEFENDANTS DONALD VAGGE AND  
GARY SHAKLEE WITH PREJUDICE**

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Plaintiffs, **KENNYBERG ARAUJO** and **FRANCIS GONZALES**, by and through their attorneys, **LAURA B. WOLF** and **QUSAIR MOHAMEDBHAI**, of the law firm of **RATHOD | MOHAMEDBHAI LLC**, and Defendants, **THE CITY OF FORT COLLINS, COLORADO**, a home rule municipality, by and through its attorneys, **CATHY HAVENER GREER AND BRENDAN L. LOY**, of the law firm of **WELLS, ANDERSON & RACE, LLC**, and **JENNY L. LOPEZ FILKINS**, of the City Attorney's Office-Fort Collins, Colorado, and **DONALD VAGGE**, former Deputy Chief of Police, in his individual and official capacities, by and through his attorney, **DAVID R. DeMURO**, of the law firm of **VAUGHAN & DeMURO**, and **GARY SHAKLEE**, in his individual and official capacities, by and through his attorney, **MARNI NATHAN KLOSTER**, of the law firm of **NATHAN DUMM & MAYER**,

**P.C.**, hereby submit this Stipulated Motion for Dismissal of Defendants, Donald Vagge, and Gary Shaklee, with prejudice pursuant to Fed. R. Civ. P. 41, and state as follows:

1. Any and all claims asserted against Defendants Donald Vagge and Gary Shaklee, in their individual and official capacities, as set forth in Plaintiffs' First Amended Complaint and Demand for Jury Trial [CM/ECF Docket #19], and all other pleadings shall be dismissed with prejudice;

2. Defendants Donald Vagge and Gary Shaklee, in their individual and official capacities, should be dismissed from this action with prejudice with each party to pay their own attorneys fees and costs.

WHEREFORE, the parties respectfully request that the Court enter an Order dismissing Defendants Donald Vagge and Gary Shaklee, in their individual and official capacities, with prejudice and that the caption shall be conformed to remove their names.

Respectfully submitted this 17th day of January, 2017.

*S/ Laura B. Wolf*

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*S/ Jenny L. Lopez Filkins*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 17, 2017 a true and correct copy of the above and foregoing **STIPULATED MOTION FOR DISMISSAL OF DEFENDANTS DONALD VAGGE AND GARY SHAKLEE WITH PREJUDICE** was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following email addresses:

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